



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Thomas S. Burack, Commissioner

March 18, 2008

The Honorable Martha Fuller Clark, Chairman  
Energy, Environment and Economic Development Committee  
Legislative Office Building, Room 102  
Concord, New Hampshire 03301

**Re: HB 1151, relative to reporting dates for the instream flow pilot program**

Dear Chairman Fuller-Clark:

Thank you for the opportunity to comment on HB 1151. This bill, as amended by the House, would extend for two years the reporting dates for the Instream Flow Pilot program. This legislation was requested by the Department of Environmental Services (DES).

Legislation (RSA 483) was enacted in 1990 that required instream flow protection on Designated Rivers and directed DES to adopt rules for implementation. The method for applying instream flow protection was a contentious issue for many years, and, in 2002, a broad coalition of New Hampshire business and conservation interests joined together to enact Chapter 278, Laws of 2002 that called for a pilot program for instream flow protection on two of the Designated Rivers - the Lamprey River in the coastal watershed and the Souhegan River in the Merrimack watershed.

Laws of 2003, Chapter 319 provided initial funding, which was applied to the Souhegan pilot, and revised the reporting dates for various instream flow pilot activities described under Chapter 278. Federal funds were then secured for the Lamprey pilot. The field work and most scientific analysis have been completed for both pilot projects. However, the level of effort and time necessary for full stakeholder and legislative participation for development of final protected instream flows has exceeded original expectations. Specifically, we are requesting additional time to provide for more stakeholder review and input. The requested time will be used for additional meetings with both the advisory committees and individual water users as well as other stakeholders as the required water management plan is completed. This additional stakeholder involvement will be used to refine technical procedures for flow management in the water management plan and to consider and address specific concerns to build a consensus and ensure that both pilot projects are successful.

Thank you for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Steve Couture at 271-8801, if you have any questions or need additional information.

Sincerely,

Thomas S. Burack  
Commissioner

cc: Representative Kappler  
Representative Hubbard  
Representative Hassan  
ISF TRCs (via electronic email)  
ISF WMPAACs (via electronic email)

RMAC (via electronic mail)  
LMAC (via electronic email)  
Local River Advisory Committees (via electronic mail)